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Adoption of the agenda and other organizational matters

Request by the International Labour Organization for the inclusion of an additional agenda item

Note by the Secretary-General

In accordance with rule 9, paragraph 2 (g), of the rules of procedure of the Economic and Social Council, the Director-General of the International Labour Organization (ILO) has proposed the inclusion of an additional item, entitled "Measures to be taken for the implementation by Myanmar of the recommendations of the ILO Commission of Inquiry on forced labour", in the agenda of the substantive session of 2001 of the Council. A letter dated 9 March 2001 from the ILO Director-General to the President of the Council concerning this issue, including a resolution on the matter adopted by the International Labour Conference, is contained in the annex.

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Annex

Letter dated 9 March 2001 from the Director-General of the International Labour Organization to the President of the Economic and Social Council

Following consultations with the competent services in the United Nations Secretariat, I should like to refer to the resolution adopted by the International Labour Conference at its eighty-eighth session (May-June 2000) on action to secure compliance with the recommendations of the Commission of Inquiry established by the International Labour Organization (ILO) to examine the observance by Myanmar of its obligation in respect of the Forced Labour Convention, 1930 (No. 29) (see enclosure).

At its two hundred and seventy-ninth session (November 2000), the ILO Governing Body considered that the conditions set out in paragraph 2 of the above-mentioned resolution had not been met and that effect should accordingly be given to the provisions contained in paragraph 1 of the resolution.

As indicated in paragraph 1 (d) of the resolution, the International Labour Conference has invited me to request the Economic and Social Council to include an item on the agenda of its substantive session of 2001 concerning the failure of Myanmar to implement the recommendations contained in the report of the Commission of Inquiry. Therefore, in accordance with article III of the 1946 Agreement between the United Nations and the International Labour Organization, I formally request that an item entitled "Measures to be taken for the implementation by Myanmar of the recommendations of the ILO Commission of Inquiry on forced labour" be placed on the agenda of the substantive session of 2001 of the Council.

The relevant ILO department will, in due course, provide the Secretary of the Economic and Social Council with documentation concerning the actions requested of the Council. Any relevant additional information resulting from the consideration of the matter at the ongoing session of our Governing Body, as well as at the International Labour Conference in June 2001, will also be brought to the attention of the Secretary of the Council. Please advise us of any other formalities or further information which may be required. We of course stand ready to take part in any preliminary consultations which may be necessary.

I wish to thank you in advance for your assistance in this matter.

(*Signed*) Juan **Somavia**

Enclosure

Resolution adopted by the International Labour Conference at its 88th Session (June 2000)

The International Labour Conference,

Meeting at its 88th Session in Geneva from 30 May to 15 June 2000,

Considering the proposals by the Governing Body which are before it, under the eighth item of its agenda (Provisional Record No. 4), with a view to the adoption, under article 33 of the ILO Constitution, of action to secure compliance with the recommendations of the Commission of Inquiry established to examine the observance by Myanmar of its obligations in respect of the Forced Labour Convention, 1930 (No. 29),

Having taken note of the additional information contained in the report of the ILO technical cooperation mission sent to Yangon from 23 to 27 May 2000 (Provisional Record No. 8) and, in particular, of the letter dated 27 May 2000 from the Minister of Labour to the Director-General, which resulted from the mission,

Considering that, while this letter contains aspects which seem to reflect a welcome intention on the part of the Myanmar authorities to take measures to give effect to the recommendations of the Commission of Inquiry, the factual situation on which the recommendations of the Governing Body were based has nevertheless remained unchanged to date,

Believing that the Conference cannot, without failing in its responsibilities to the workers subjected to various forms of forced or compulsory labour, abstain from the immediate application of the measures recommended by the Governing Body unless the Myanmar authorities promptly take concrete action to adopt the necessary framework for implementing the Commission of Inquiry's recommendations, thereby ensuring that the situation of the said workers will be remedied more expeditiously and under more satisfactory conditions for all concerned:

1. Approves in principle, subject to the conditions stated in paragraph 2 below, the actions recommended by the Governing Body, namely:

(a) to decide that the question of the implementation of the Commission of Inquiry's recommendations and of the application of Convention No. 29 by Myanmar should be discussed at future sessions of the International Labour Conference, at a sitting of the Committee on the Application of Standards specially set aside for the purpose, so long as this Member has not been shown to have fulfilled its obligations;

(b) to recommend to the Organization's constituents as a whole – governments, employers and workers – that they: (i) review, in the light of the conclusions of the Commission of Inquiry, the relations that they may have with the member State concerned and take appropriate measures to ensure that the said Member cannot take advantage of such relations to perpetuate or extend the system of forced or compulsory labour referred to by the Commission of Inquiry, and to contribute as far as possible to the implementation of its recommendations; and (ii) report back in due course and at appropriate intervals to the Governing Body;

(c) as regards international organizations, to invite the Director-General: (i) to inform the international organizations referred to in article 12, paragraph 1, of the Constitution of the Member's failure to comply; (ii) to call on the relevant bodies of these organizations to reconsider, within their terms of reference and in the light of the conclusions of the Commission of Inquiry, any cooperation they may be engaged in with the Member concerned and, if appropriate, to cease as soon as possible any activity that could have the effect of directly or indirectly abetting the practice of forced or compulsory labour;

(d) regarding the United Nations specifically, to invite the Director-General to request the Economic and Social Council (ECOSOC) to place an item on the agenda of its July 2001 session concerning the failure of Myanmar to implement the recommendations contained in the report of the Commission of Inquiry and seeking the adoption of recommendations directed by ECOSOC or by the General Assembly, or by both, to governments and to other specialized agencies and including requests similar to those proposed in paragraphs (b) and (c) above;

(e) to invite the Director-General to submit to the Governing Body, in the appropriate manner and at suitable intervals, a periodic report on the outcome of the measures set out in paragraphs (c) and (d) above, and to inform the international organizations concerned of any developments in the implementation by Myanmar of the recommendations of the Commission of Inquiry;

2. Decides that those measures will take effect on 30 November 2000 unless, before that date, the Governing Body is satisfied that the intentions expressed by the Minister of Labour of Myanmar in his letter dated 27 May have been translated into a framework of legislative, executive and administrative measures that are sufficiently concrete and detailed to demonstrate that the recommendations of the Commission of Inquiry have been fulfilled and therefore render the implementation of one or more of these measures inappropriate;

3. Authorizes the Director-General to respond positively to all requests by Myanmar that are made with the sole purpose of establishing, before the above deadline, the framework mentioned in the conclusions of the ILO technical cooperation mission (points (i), (ii) and (iii), page 8/11 of *Provisional Record* No. 8), supported by a sustained ILO presence on the spot if the Governing Body confirms that the conditions are met for such presence to be truly useful and effective.